Transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation. Parliament /Commission agreement

2014/2010(ACI) - 16/04/2014 - Final act

NON-LEGISLATIVE ACT: Agreement between the European Parliament and the European Commission on the transparency register for organisations and self-employed individuals engaged in EU policy-making and policy implementation

CONTENT: this Interinstitiutional Act aims to repeal and replace the Decision of 11 May 2011 on the conclusion of an interinstitutional agreement between the European Parliament and the Commission on a common Transparency Register.

It provides for the rules and principles applicable to organisations and self-employed individuals engaged in EU policy-making and policy implementation.

Principles: the Register shall respect the following principles:

- the general principles of Union law, including the principles of proportionality and non-discrimination;
- the rights of Members of the European Parliament to exercise their parliamentary mandate without restriction.

Structure of the register: the structure of the register shall be as follows:

- provisions on the scope of the register, activities covered by the register, definitions, incentives and exemptions;
- sections for registration (Annex I);
- information required from registrants, including financial disclosure requirements (Annex II);
- code of conduct (Annex III);
- alert and complaint mechanisms and measures to be applied in the event of non-compliance with the code of conduct, including the procedures for alerts and for the investigation and treatment of complaints (Annex IV);
- implementation guidelines with practical information for registrants.

Scope: the register covers all activities carried out by an organisation as set out in Annex I, **with the objective of directly or indirectly influencing the formulation or implementation of policy and the decision-making** processes of the EU institutions, and in particular:

- €€€€€€€ contacting Members and their assistants, officials or other staff of the EU institutions;

- €€€€€€€ preparing, circulating and communicating letters, information material or discussion papers and position papers;

- €€€€€€€ organising events, meetings, promotional activities, conferences or social events, invitations to which have been sent to Members and their assistants, officials or other staff of the EU institutions; and

- €€€€€€€ voluntary contributions and participation in formal consultations or hearings on envisaged EU legislative or other legal acts and other open consultations.

Activities not covered include the following: the provision of legal and professional advice in so far as they consist of :

- €€€€€€€ advisory work and contacts with public bodies in order to better inform clients about a general legal situation or about their specific legal position;

- €€€€€€€ advice given to clients to help them ensure that their activities comply with the relevant law;

- €€€€€€€ **analyses and studies prepared for clients on the potential impact of any legislative or regulatory changes** with regard to their legal position or field of activity;

- €€€€€€€ representation in the context of a conciliation or mediation procedure aimed at preventing a dispute from being brought before a judicial or administrative body.

It should also be noted that activities of the social partners as participants in the social dialogue (trade unions, employers' associations, etc.) are not covered by the register where those social partners perform the role assigned to them in the Treaties.

The register does not apply to churches and religious communities or to political parties.

Registration: all organisations and self-employed individuals, irrespective of their legal status, engaged in activities, whether on-going or under preparation, covered by the register are expected to register.

Rules on registration: the Agreement contains provisions setting out registration rules. In particular, organisations and individuals concerned:

- €€€€€€€ agree to act in compliance with the code of conduct set out in Annex III;

- €€€€€€€ guarantee that the information provided for inclusion in the register is correct and updated;

- €€€€€€€ accept that any alert or complaint concerning them will be handled on the basis of the rules in the code of conduct set out in Annex III;

Joint Transparency Register Secretariat: in order to implement the system, the services of the European Parliament and the European Commission maintain a joint operational structure, designated as the JTRS. The tasks of the JTRS include producing implementation guidelines, within the limits of this agreement, to facilitate a consistent interpretation of the rules by registrants, and monitoring the quality of

the content of the register. The JTRS shall use the administrative resources available to perform quality checks of the content of the register, on the understanding, however, that **registrants are ultimately responsible for the information they have provided.**

The Secretaries-General of the European Parliament and the European Commission shall submit an annual report on the operation of the register.

Rights for organisations registered: access passes to the European Parliament's premises will only be issued to individuals representing, organisations falling within the scope of the register where those organisations or individuals have registered. However, registration shall not confer an automatic entitlement to such an access pass.

Incentives offered by the European Parliament to registrants may include: (i) further facilitation of access to its premises, its Members and their assistants, its officials and other staff; (ii) authorisation to organise or co-host events on its premises; (iii) facilitated transmission of information; (iv) participation as speakers in committee hearings; (v) **patronage by the European Parliament.**

There are also provisions on incentives offered by the Commission.

Meaures in the event of non-compliance with the code of conduct: the JTRS shall investigate the suspected non-compliance of the Code of Conduct in the annex of the Agreement, where an alert has been lodged.

Intentional non-compliance with the code of conduct by registrants or by their representatives shall lead to the application of the measures laid down in Annex IV.

Where non-cooperation, inappropriate behaviour, or serious non-compliance with the code of conduct, have been identified, the registrant concerned shall be **removed from the register for a time period of either one year or two years.** The measure will be publicly mentioned in the register.

NB: Currently, only the European Parliament and the Commission are involved with the register. The European Council and the Council are invited to join the register. Other EU institutions, bodies and agencies are encouraged to use the framework created by the Agreement.

Repeal: the Agreement replaces the agreement between the European Parliament and the Commission of 23 June 2011.

Review: the register shall be subject to a review in 2017.

ENTRY INTO FORCE: 09.10.2014.

APPLICATION: 01.01.2015. Entities already registered at the date of application of the agreement shall amend their registration to satisfy the new requirements resulting from this agreement within a period of three months following that date.

Annexes: the Agreement contains four annexes setting out the following:

- **Annex I:** organisations and self-employed individuals engaged in EU policy-making and policy implementation;
- **Annex II:** information to be provided by registrants;
- **Annex III:** code of conduct;
- **Annex IV:** procedures for alerts and for the investigation and treatment of complaints.